



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

SMC
Docket No: 01155-00
3 November 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: EX-1STS [REDACTED], USMCP [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 7Feb00 w/attachments
(2) HQMC MI memo dtd 28Apr00
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing two service record page 11 ("Administrative Remarks (1070)") entries dated 15 March 1992 and 13 February 1993. Copies of the page 11 entries in question are at Tabs A and B respectively.

2. The Board, consisting of Messrs. Ensley, Swarens and Taylor, reviewed Petitioner's allegations of error and injustice on 2 November 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. The contested page 11 entries state that Petitioner was counseled concerning failure to meet the minimum weight control standards. He asserts that since his fitness reports for the periods involved do not mention anything about assignment to weight control, the page 11 entries are erroneous. He further states that he has been fighting the Marine Corps weight control standards his whole career and believes he is not at fault, "because of the way [his] body is "configured."

c. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has recommended partial relief,

specifically, removal of the page 11 entry dated 13 February 1993. This advisory opinion states that fitness report comment on weight control was required only when the Marine concerned failed to make satisfactory progress in the program (the record of this case gives no indication that Petitioner failed to make satisfactory progress). The opinion further states that when Petitioner received the page 11 entry dated 15 March 1992, the preparation of a page 11 entry to document placement on weight control was authorized; but that when he received the entry dated 13 February 1993, new policy had been established that the only authorized method for documenting assignment to or removal from the weight control program was by means of an entry in the Marine's automated record (Marine Corps Total Force System (MCTFS)).

CONCLUSION:

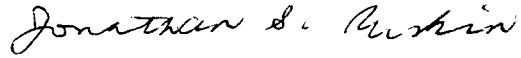
Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting partial relief, specifically, removal of the contested page 11 entry dated 13 February 1993. They further concur with enclosure (2) in finding that the entry dated 15 March 1992 should stand. In view of the above, the Board directs the following limited corrective action:

RECOMMENDATION:


- a. That Petitioner's naval record be corrected by removing the service record page 11 ("Administrative Remarks (1070)") counseling entry dated 13 February 1993. This is to be accomplished in such a way that the entry cannot be read, rather than lining through it.
- b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
- c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.
- d. That the remainder of Petitioner's application be denied.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


for W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

1155-CC

IN REPLY REFER TO:

1070
MI
28 APR 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF FIRST SERGEANT [REDACTED]
[REDACTED] USMC

1. We reviewed First Sergeant [REDACTED]'s application and supporting documents concerning his request for removal of the Administrative Remarks page 11 entries dated 920315 and 930213.

2. One of the many leadership tools that a commander has at their disposal is counseling and rehabilitation for their Marines. Marine Corps policy is that reasonable efforts at rehabilitation should be made prior to initiation of separation proceedings and that commander is authorized to document those efforts by a page 11 counseling entry per the IRAM. The Marine Corps Separation Manual, paragraph 6105, sets forth policy pertaining to counseling and rehabilitation.

3. The following comments concerning the page 11 entry dated 920315 are provided:

a. MCO P1070.12G, Marine Corps Individual Records Administration Manual (IRAM), authorizes commanders to make Service Record Book (SRB) entries on page 11 for recording information that is not, or cannot be, documented anywhere else in the SRB or the Marine's automated record.

b. The counseling entry meets the elements of a proper page 11 counseling in that it lists specific deficiencies and recommendations for corrective action, where assistance can be found, and states that First Sergeant (then Staff Sergeant) [REDACTED] was provided the opportunity to make a rebuttal statement. Additionally, he was afforded an opportunity to annotate whether or not he chose to make such a statement and if made, a copy of the statement would be filed in the service records. First Sergeant (then Staff Sergeant) [REDACTED] acknowledged the counseling entry by his signature and further chose "to" make a statement in rebuttal. It is noted that a copy of the rebuttal statement was not included in his application.

c. First Sergeant [REDACTED] believes that his record is in error or unjust by claiming that this information was not "put in my fitness reports".

Subj: BCNR APPLICATION IN THE CASE OF FIRST SERGEANT [REDACTED]
[REDACTED] USMC

d. MCO 6100.10A, paragraph 6k, requires commanders to make entries in the automated records those Marines who are assigned to and removed from the weight control or military appearance program. Paragraph 6j(2) requires an entry in section c of the fitness report when a Marine fails to make satisfactory progress while on a military appearance program. If satisfactory progress has not been made in meeting the weight goal, the Marine will be recommended for discharge per paragraph 6l(2)(b).

e. First Sergeant [REDACTED] was a member of the Reserve Establishment when this Administrative Remarks page 11 entry was created.

f. First Sergeant (then Staff Sergeant) [REDACTED] was assigned to the weight control program on 15 March 1992 and made satisfactory progress therefore, was released from the program on 11 November 1992.

g. Due to pending modification of the automated records for Marine Corps personnel in the Reserve Establishment, paragraph 4013.3jj of the IRAM authorizes an Administrative Remarks page 11 counseling entry concerning assignment to and removal from the weight control or military appearance program. This requirement met policy as set forth in subparagraph 3d above.

4. The following comments concerning the page 11 entry dated 930213 are provided:

a. MCO P1070.12H, Marine Corps Individual Records Administration Manual (IRAM), authorizes commanders to make Service Record Book entries on page 11 for recording information that is not, or cannot be, documented anywhere else in the Service Record Book or the Marine's automated record.

b. First Sergeant [REDACTED] believes that his record is in error or unjust by claiming that this information was not "put in my fitness reports".

c. MCO 6100.10A, paragraph 6k requires commanders to make entries in the automated records those Marines who are assigned to and removed from the weight control or military appearance program. However, paragraph 6j(2) requires an entry in section c of a fitness report when a Marine fails to make satisfactory progress while on a military appearance program. If satisfactory progress has not been made in meeting the weight goal, the Marine will be recommended for discharge per paragraph 6l(2)(b).

Subj: BCNR APPLICATION IN THE CASE OF FIRST SERGEANT [REDACTED] SMC

d. First Sergeant (then Staff [REDACTED]) was assigned to the weight control program on 13 February 1993. First Sergeant [REDACTED] requested by letter on 2 May 1993 authorization for alternate maximum weight limit and received approval by his commanding officer on 13 May 1993. As authorized by MCO 6100.10B, he was released from the program on 12 May 1993.

e. Paragraph 4012.311(2)(d) of the IRAM removes the requirement in creating an Administrative Remarks page 11 entry concerning assignment to and removal from the weight control or military appearance program for all Marines, unless satisfactory progress was not made.

f. Effective 13 July 1992, the only authorized method for documenting and recording assignment to or removal from the weight control/military appearance program is by entering the information in the Marine's automated record.

g. The Administrative Remarks page 11 entry dated 930213 was not authorized to be entered into First [REDACTED] SRB.

5. In the course of this review, it was noted that First Sergeant [REDACTED] was separated from the Reserve Establishment during the month of March 2000 and is pending assignment to a retired status.

6. In view of the above, it is recommended that:

a. Disapprove First Sergeant [REDACTED] request for removal of the Administrative Remarks page 11 counseling entry dated 920315.

b. Approve First Sergeant [REDACTED] request for removal of the Administrative Remarks page 11 counseling entry dated 930213 from his SRB and OMPF.

7. Point of contact is [REDACTED] at [REDACTED]

[REDACTED]

Head, Field Support Branch
Manpower Management Information
System Division